

NORBERT VON BOODE

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES - CENTRAL
CIVIL ACTION NO. 20stcv00033

4 LENOORE MILEY, individually and on behalf of
all others similarly situated,

5 Plaintiff,

6 - against -

7 BELKIN INTERNATIONAL, INC.;

8 Defendant.

February 5, 2021
12:00 p.m.

14 DEPOSITION of NORBERT VON BOODE, held
15 REMOTELY, before Victoria Russo, a Certified
16 Shorthand Reporter and Notary Public within and
17 for the States of New York and New Jersey,
18 commencing on the above date and time.

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1 manager for their home appliance category. After
2 that, I did strategic management consulting at
3 Booz & Company. Now, the company name for that has
4 changed to Strategy&. Then I went to get my MBA
5 Degree at Northwestern and after graduating, I
6 joined Belkin.

7 Q. When did you join Belkin?

8 A. I joined Belkin July 2017.

9 Q. And did you step into the role that
10 you have today?

11 A. Yes, that's correct.

12 Q. And as I understand it, you are a
13 senior product manager?

14 A. Yes, I'm a senior product manager
15 and, more recently, on top of my existing
16 responsibilities to lead the global product
17 management team for mobile power, I was also given
18 the responsibility to lead the mobile power
19 strategic business unit. So that was added in but
20 same senior product manager title.

21 Q. Okay.

22 A. More work, same title.

23 Q. Hopefully, more pay.

24 So what does a senior product manager
25 do?

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1 A. The senior product manager leads a
2 team of product managers. So in my case, I'm in
3 charge of the mobile power category, which includes
4 wireless charging, wall chargers, car chargers,
5 cables, and also power banks and my job is to make
6 sure that all product managers in charge of each of
7 these categories feel empowered to do their product
8 management duties.

9 Q. And not to belabor it, what does this
10 mean "product manager"?

11 A. The main role -- we wear many hats but
12 the main role for a product manager is to
13 conceptualize new products and bring those products
14 from concept to launch. Also, we are responsible in
15 managing the life cycle of products and also,
16 defining our strategy and road map of which products
17 we want to build in each of the categories.

18 Q. Were you in post when my client
19 purchased her battery pack?

20 MR. EISENBERG: I need to object. We
21 don't know when your client purchased the battery
22 pack and we actually think your Complaint is
23 inaccurate in the allegation.

24 So why don't you tell us when your
25 client purchased and then you can -- and then

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1 say you invented and specified this, the 10K, and
2 then AT&T comes to you and says "we want to put an
3 AT&T sticker on it. You have to make it. You
4 handle the specifications and we want it to be a
5 private label battery for AT&T" or for any other
6 company; does anything like that go on with this
7 product line?

8 A. Two things on that. One, is I do not
9 know whether we have used Pocket Power 10K or the
10 product that we billed at DBK for any private
11 labeling purposes. We may have. We may not have.

12 Also, the second point is I do not
13 know, because I wasn't at Belkin while this product
14 was being developed, whether this was a DBK --
15 solely a DBK design or whether Belkin has partaken
16 in designing it together with DBK.

17 Q. Okay. I understand.

18 One question about the labeling
19 scheme. Scheme is not meant to be negative. I mean
20 the sort of system of putting the -- let me start
21 over.

22 You put 10,000 mAh on the front of
23 this particular product. With respect to the other
24 products that Belkin makes beyond the 10K, can I
25 assume, essentially, that it's apples to apples,

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1 that whenever you use a number on the front of the
2 package, you are referring to the same system of
3 adding up all the battery cells to get that
4 equipment?

5 In other words, you use the same
6 common terminology with respect to the mAh number on
7 the front; is that true?

8 A. The number represents the cell
9 capacity included in the hardware, yes.

10 Q. And that's true for all the Belkin
11 power banks that you're aware of?

12 A. That I'm aware of, yes.

13 Q. Some of these Interrogatories that
14 were served on us, getting back to labeling for a
15 second, say that -- we ask a lot of questions about
16 the labels and over and over the answer that's given
17 by the lawyers is "at the time the Pocket Power 10K
18 would have been approved, the head of the global
19 Product Managing Department was Fred Gransee."

20 The language stuck out for me. Is
21 Mr. Gransee no longer involved with Belkin; do you
22 know?

23 A. Yes, Mr. Gransee has left the company.

24 Q. Do you have any knowledge that
25 Mr. Gransee was the person who was actually

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1 Q. You've seen this about 10,000 times.

2 Is there a regulation or law that requires it?

3 A. Not to any knowledge, no.

4 (Whereupon, a brief recess was taken.)

5 BY MR. CASH:

6 Q. I want to ask you some kind of boring
7 stuff here. So I have flipped through your
8 production and this is Page 238. I am not going to
9 get very deep on this but I want to make sure I know
10 what I am looking at.

11 There is five versions of this
12 document Project Worm and then I see release 1, 2,
13 3, 4, 5. So 5 was the highest I found.

14 Is that Edward Leu?

15 A. That is Edward Leu. He is the product
16 manager. So we have product managers and product
17 development managers. Product development managers,
18 the easiest way to kind of define their role is to
19 be the translator between the product manager and
20 the engineering team and also the vendor and that's
21 what this PRV, product requirement document,
22 specifies.

23 It lays out what we want to build, the
24 blueprint in a more technical term. Of course,
25 there are many other documents that go deeper into

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1 the technical terms but, typically, product managers
2 have visibility to this, mostly.

3 Q. And then in case we have to see this,
4 again, I assume what was the Worm 2, the 10000
5 Model, is the one that's the Pocket Power 10K?

6 A. Worm 2 was the project name for Pocket
7 Power 10K, yeah.

8 Q. So I found this document at Page 254.
9 Let me flip through. I think this is just like
10 three pages. What is this?

11 A. I do not know. It could have been
12 many different functions.

13 Q. I notice this is for the 5000 Model as
14 well it looks like in row 1.1?

15 A. It also seems like this is not
16 specific to the Pocket Power but I believe there is
17 a spelling error here. MPP 103 was one of the
18 projects listed here which is the Boost Charge that
19 we have launched after Pocket Power. The reason I
20 also say that is because in Line 2.4 it says that
21 "input connector is a lightning receptacle", the one
22 used for your iPhone.

23 So I don't think this is related to
24 Pocket Power. It is another project.

25 Q. This probably is just a mistake?

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1 show how helpful it is?

2 A. That was a question for me, right?

3 Q. Yes, only for you.

4 A. Yes, I believe so. Yes, it is to
5 represent when the green lights light up on the
6 power bank or turns off in this case.

7 Q. I guess my last question on this is:
8 It looks like Belkin either did do directly or
9 commissioned someone to actually perform testing
10 withdrawing current and then measured how much
11 current could be taken off of this particular
12 battery pack on this date in 2017; is that true?

13 A. Of course, it would be best to ask a
14 person who has performed this test to refer to the
15 specific intent of the testing but based on what is
16 documented here, my interpretation is that this is a
17 test to confirm and to make sure that the green
18 indicator lights are working as intended. The green
19 indicator lights, obviously, are a representation of
20 how much energy is left in the cell.

21 Q. I want to take you to the marketing
22 study that was produced from April 28th. It's
23 Page 159. I don't want to really belabor this
24 because I think it speaks for itself but I want to
25 see if we agree on a couple of the findings.

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1 If you look at Page 166, as I read
2 this graft, isn't it the case that technical
3 descriptions/specifications/features tied with
4 compatibility information is the top factors that
5 consumers look for when shopping for a Smartphone?

6 A. Yes, based on this slide, I believe
7 you are correct. They are the top two responses.

8 Q. And technical
9 descriptions/specifications very clearly would
10 indicate the capacity about it?

11 MR. EISENBERG: That assumes facts as
12 argumentative.

13 A. I do not exactly know what was meant
14 by specifications/features and technical
15 descriptions specific to this survey but to answer
16 your question, I would believe that it would include
17 capacity.

18 Q. And then there is different one in
19 here at Page 189. This one is package comparison
20 points. I have kind of the same question for you
21 here.

22 It looks like they said "when
23 comparing two or more accessories, consumers
24 primarily use clearly listed technical
25 specifications" and if you read the graph here, it

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1 looks like the product's technical specifications
2 was the differentiating or the most important
3 differentiating factor in comparing two products; is
4 that correct?

5 A. Yes, this is how I read it. Although
6 to add --

7 Q. Sure.

8 A. -- never mind. I think my response
9 covers this. Please go on.

10 Q. I have come at this the wrong way but
11 just to close it out, when it comes to market
12 research, studies like this, are there any
13 more-detailed findings that specifically look at
14 capacity?

15 So I guess what I'm saying these said,
16 "technical descriptions/specifications/features",
17 and it was kind of all lumped together. Arguably,
18 the connector type is part of specifications, let's
19 say.

20 I am curious. Do you know of any
21 market findings that just flat out look at capacity
22 of the battery by itself; any documents like that?

23 A. To my knowledge, no.

24 Q. So taking another stab at it, have you
25 made like a matrix that says if we had double the